

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEN WALKER

(Enter above the full name of
plaintiff in this action)

v.

BANK OF AMERICA

(Enter above the full name of
the defendant(s) in this action)

CIVIL CASE NO:

CV-12-2607

(to be supplied by Clerk
of the District Court)

FILED
SCRANTON

DEC 28 2012

Per. _____

CLERK

COMPLAINT

1. The plaintiff BEN WALKER a citizen of
the County of Monroe State of
Pennsylvania, residing at 117 Duck Hollow Circle Stroudsburg, PA 18360
wishes to file a complaint under _____
(give Title No. etc.)

2. The defendant is BANK OF AMERICA

3. STATEMENT OF CLAIM: (State below the facts of your case. If you have paper
exhibits that give further information of your case, attach them to this completed form. Use as
much space as you need. Attach extra sheet(s) if necessary) See Attached

3. (CONTINUED) _____

SEE ATTACHED

4. WHEREFORE, plaintiff prays that _____

B. Wack
(Signature of Plaintiff)

3. STATEMENT OF CLAIM: Shown on the Civil Cover Sheet is the Defendant Bank of America. Listed directly below are ~~four (4)~~ ^{three (3)} additional Defendants.

1. National Education Association
2. NEA Member Benefits
3. FIA Card Services NA

This complaint consists of multiple counts of direct fraud against Bank of America. Shown below are two separate headings that will describe the fraudulent acts.

DIRECT FRADULENT LETTER

On October 6, 2009 a Bank of America employee by the name of Melanie Brancaccio sent Sandy Walker a letter regarding the account number ending in 9473 that is stated in the October 6, 2009 letter. Melanie Brancaccio stated our records indicate that on November 17, 2003 we transferred \$68,270.00 to your Bank of America account number 020 320 4557 and on October 30, 2007, we transferred \$5,000.00 to the same account. November 17, 2003 will be presented first followed by the October 30, 2007 transfer.

It should be noted that account number ending in 9473 is an account number listed on all MBNA America Billing Statements. The Billing Statements lists two account numbers 5329 0419 4983 9473 / 4313 0119 4977 1951. The above 020 320 4557 is Ben Walker and Sandy Walker Personal Interest Checking Account Number that is shown on the checks and on Fleet One Classic Statements.

Melanie Brancaccio wrote a complete fraudulent letter in regards to Bank of America transferring \$68,270.00 into account number 020 320 4557 because Bank of America did not own the account at that time. Account number 020 320 4557 was owned by Fleet Bank on November 17, 2003 and as stated above the account number ending in 9473 was an MBNA America account number. Shown on the Fleet One Classic Statement dated 11/20/2003 through 12/18/2003 under the heading Loan Accounts is the Credit Line. To the right under Available Credit is \$1,500.00.

Shown on the Fleet One Classic Statement dated 11/20/2003 through 12/18/2003 at the bottom of the page the date 11/20 is to the left of Opening Balance. Shown directly below the Opening Balance is the date 11/21 and MBNA America Direct Dep. \$68,270.00. The above Balance \$1,986.85 was added to the \$68,270.00 that increases the balance to \$70,256.85. Also, on 11/21 Check Paid # 3361 for \$517.32 was subtracted from the \$70,256.85 leaving a \$69,739.53 balance.

See copy of October 6, 2009 letter and two (2) pages Fleet One Classic Statements in (Exhibit A).

On 12/16/2003 Sandy Walker sent a check to MBNA America for \$45.00. On 1/20/04 Sandy Walker sent MBNA a check for \$25.00. Enclosed are copies of Billing Statements that was submitted by National Education Association for MBNA America for the months of February 2004, March 2004, May 2004, June 2004, July 2004, August 2004, September 2004, October 2004, November 2004 and December 2004. The April 2004 could not be located. The February 2004 Billing Statement balance is \$68,230.00. This balance would be minus the 12/16/03 and 1/20/04 payments. See copies of 12/16/2003 and 1/20/04 checks and the above monthly statements in (Exhibit B).

To further prove that Melanie Brancaccio wrote a fraudulent letter enclosed are copies of the first pages of the Fleet One Classic Statements beginning on 12/19/2003 through 8/20/2004. On the Fleet One Classic Statements from 8/21/2004 through 12/20/2004 Bank of America name are on four Fleet One Classic Statements. The 8/21/2004 through 9/21/2004 indentifies the merger between Fleet Bank and Bank of America. See three (3) first page copies of Fleet One Classic Statements and four (4) first page copies of Bank of America and Fleet statements to indentify the merger in (Exhibit C).

On the MBNA America document dated 12/27/2011 Page 2 of 4 second paragraph states on January 1, 2006, MBNA merged with and into Bank of America. On June 10, 2006 MBNA changed its name to FIA Card Services. See copies of MBNA documents and July 2006 Billing Statement in (Exhibit D).

On October 13, 2007 NEA Member Benefits sent Sandy Walker and Ben Walker a letter in referenced to our account ending in 9473 that included three (3) Bank of America blank checks. See copy of letter and checks in (Exhibit E).

On October 30, 2007 a \$5,000.00 transfer is shown in the NEA Member Benefits November 2007 Billing Statement for Bank of America under Cash Advances. See (Exhibit F).

In April 2011 Bank of America sent Sandy Walker an eight (8) pages letter in referenced to Credit card ending 9473 stating we're changing some of the terms of your Credit Card Agreement.

On June 2, 2011 NEA Member Benefits who submits monthly billing statements for Bank of America sent Sandy Walker a letter in regards to the attached Credit Card Agreement. On the

Cover page stated under the title how to Use Your Account the last paragraph states "All access checks include an expiration date printed at the top." The last sentence states "Access checks without a printed expiration date will not be honored."

On July 15, 2011 NEA Member Benefits sent Sandy Walker a revised Credit Card Agreement.

FRADULENT CHECKS

Over a period of time Sandy Walker was sent a total of thirty (30) undated checks by NEA Member Benefits. Check numbers 381,382,383 have the same check number 381,383,383 with another set. The difference is that the check numbers for each set of three (3) are different. The names listed on the above thirty (30) checks are FIA Card Services, NA.

The three (3) checks shown in (Exhibit E) has Bank of America name on the checks. Those checks are also undated. The grand total of fraudulent checks is thirty (33) three. One dated check will be presented to see the difference between the undated checks.

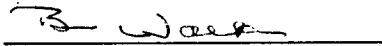
In 2011 after not being able to obtain a straight answer from Bank of America, in the early summer Ben Walker stopped making monthly payments. Because of not making payments Bank of America ruined Ben Walker and Sandy Walker credit.

On November 20, 2012 I mailed a Certified Letter to Mr. Matt Mauer, Customer Advocate office of the CEO and President of Bank of America. I received the signed copy of the Certified Letter on November 23, 2012. The letter requested answers under the Freedom of Information Act. The letter requested the exact date Bank of America merged with Fleet Bank, the exact date Bank of America merged with MBNA America and the exact date FIA Card Services, NA represented Bank of America.

A response to a Freedom of Information Act request is due within 20 business days, excluding Saturdays, Sundays, and legal holidays. The period does not begin until the request is received. The request was received on November 20, 2012 as stated above. Counting business days from November 20, 2012 to December 27, 2012 equals twenty six (26) business days without a response. Bank of America violated the Freedom of information Act.

Even though I am filing the Complaint on December 28, 2012 I am doing so without going into another year. Once I file additional information exhibits will be presented. Because of the fraud presented above by a Bank of America employee and by Bank of America submitting my wife Sandy Walker thirty (33) three undated checks that could have caused her to be arrested by Bank of America putting a stop on the checks because the checks are undated.

Because of the damage done to Ben Walker and Sandy Walker in regards to our credit reports because of fraudulent statements by a Bank of America employee and the fraudulent undated checks and being denied by Bank of America answers to my Freedom of Information Act requests I am requesting a total of Five Million (5,000,000) Dollars from Bank of America and the defendants named in this Complaint.

A handwritten signature in black ink, appearing to read "Ben Walker", is written over a horizontal line.

Signature of Ben Walker, Plaintiff